

HOUSE BILL 593
By Curtiss

AN ACT to amend Tennessee Code Annotated, Title 65.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 65, is amended by adding Sections 2 through 5 as a new, appropriately designated chapter.

SECTION 2.

(a) It is the policy of the general assembly to encourage and not prohibit or delay attractive discount pricing and special promotional offers for telecommunications services.

(b) To implement the policy articulated in this section and to encourage low prices, notwithstanding any other provisions of law to the contrary, all telecommunications providers shall be permitted to offer promotional incentives, including rebates and limited free service offerings, with such promotions not extending more than one hundred eighty (180) days.

SECTION 3. Price differences among retail customers shall be prohibited only to the extent that such differences are attributable solely to race, religion or ethnicity. All other differences in pricing among retail customers are hereby conclusively determined by the general assembly, as of the effective date of this act, to be a function of the competitive market and shall not constitute "price discrimination".

SECTION 4.

(a) The Tennessee regulatory authority shall retain regulatory jurisdiction established in this title for specific, individual telecommunications services. The

Tennessee regulatory authority shall not assert regulatory jurisdiction over the retail offering of combinations or bundles of products or services, whether or not such combinations or bundles of products or services are subject to a tariff or other regulatory filing with the Tennessee regulatory authority as of the effective date of this act and whether or not comprised of products or services provided by a local exchange carrier alone or with another company. Nothing in this section shall require any company to engage in joint marketing with another company when it does not choose to do so.

(b) Unless otherwise agreed by the end-user, the terms and conditions established by tariffs or other filings at the Tennessee regulatory authority for combinations or bundles of products or services shall remain effective as to end-users who have selected such combinations or bundles prior to enactment of this section for the duration of a term selected by the end-user. If no term was selected by the end-user for a combination or bundle of products or services, or if no term limit applied to such combination or bundle, then the terms and conditions governing that combination or bundle of products or services, at the time the end-user subscribed, shall remain in effect until the end-user agrees or elects otherwise or until the end-user receives notice of a change in terms by the service provider. Terms and conditions originally established by approved tariffs, which are changed and notice of such charges are provided to customers subsequent to the enactment of this act, shall bind end-users. End-users who terminate service within thirty (30) days of issuance of the notice of a change in such terms and conditions, shall not be affected by such changed terms and conditions for the period between issuance of the notice and termination of service.

SECTION 5. The Tennessee regulatory authority shall not impose or establish information or reporting requirements or a uniform system of accounts on any carrier that is

subject to this title that exceeds in degree or differs in kind from the requirements of the Federal Communications Commission.

SECTION 6. This act shall take effect July 1, 2005, the public welfare requiring it.